

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK FUNES,

Plaintiff,

-v-

THE CITY OF NEW YORK et al.,

Defendants.
----- X

18-CV-9558 (JMF)

SCHEDULING ORDER

JESSE M. FURMAN, United States District Judge:

In light of the COVID-19 emergency, the initial pretrial conference previously scheduled for March 26, 2020, is hereby CANCELLED. Instead, discovery may proceed in accordance with the schedule and guidance below. To that end, the prior stay on all proceedings, *see* ECF Nos. 13 & 28, is hereby LIFTED.

If any party believes that a conference would be necessary or appropriate, the party shall file a letter to that effect, specifying the reason(s) that the party believes a conference is warranted and date(s) on which they would be available. Any conference would likely be held as a telephone conference.

Unless and until the Court orders otherwise, the deadline for all discovery in this matter, whether by interrogatories, depositions, or production of documents, is **four months from the date of this Order**. (If any party believes that that is insufficient, it may file a letter to that effect.) For convenience, attached to this Order is a Guide regarding the discovery process.

If there are discovery disputes along the way, the parties are required to confer with one another in an effort to resolve them in good faith. The parties are strongly encouraged to create a written record of these communications. If the parties are unable to resolve their dispute, either side

may file a letter-motion, not to exceed three pages, seeking a conference, and the other side has one week in which to respond, also by letter not to exceed three pages. The Court will then either resolve the issue promptly by written order or by some form of conference.

It is further ORDERED that any motion for summary judgment must be filed and served within **30 days of the close of discovery**. If a motion is filed, any opposition must be filed and served within **30 days** of the motion being filed. Reply papers, if any, must be filed and served within **two weeks** of the opposition is filed. If Defendants file a motion for summary judgment, they shall provide Plaintiff with a “Notice For *Pro Se* Litigants Regarding Opposition to a Summary Judgment Motion” pursuant to Local Civil Rule 56.2. At the time any reply is served, the moving party shall supply the Court with one courtesy hard copy of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre St., New York, New York (**unless the Court’s Emergency Individual Rules and Practices in Light of COVID-19 are still in effect, in which case courtesy copies shall not be provided**).

It is further ORDERED that no later than **seven days after the close of discovery**, each party shall file a letter with the Court indicating whether the party intends to file a motion for summary judgment in the case.

It is further ORDERED that either party may request an extension of the dates and deadlines set forth herein, and they will be extended if the party requesting the extension demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline. If no extensions are granted, no discovery or pretrial motions will be permitted after the dates specified herein.

It is further ORDERED that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, or such other action as may be just in the circumstances.

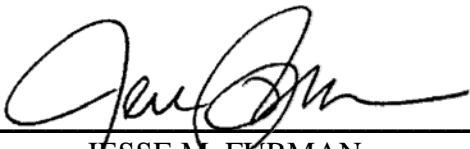
Pursuant to the Court's Individual Rules and Practices in Civil *Pro Se* Cases, a copy of which is attached to this Order, all communications with the Court by a *pro se* party should be mailed to the *Pro Se* Office, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. No documents or court filings should be sent directly to Chambers. Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court.

Finally, Plaintiff's request for appointed counsel is DENIED without prejudice to renewal, as Plaintiff's letter at ECF No. 39 does not state a valid basis for appointing counsel.

Within two days of the date of this Order, defense counsel shall mail a copy of this Order to Plaintiff and file proof of such service on ECF. **By the same date**, defense counsel shall also inform the correctional facility at which Plaintiff is currently detained that the conference has been cancelled and confirm counsel has done so on ECF.

SO ORDERED:

Dated: March 23, 2020
New York, New York



JESSE M. FURMAN
United States District Judge